

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL NO. 08-598
	:	
CEPHALON, INC.	:	

GOVERNMENT’S MOTION FOR ORDER OF FORFEITURE

The United States of America, by and through its attorneys, Laurie Magid, Acting United States Attorney for the Eastern District of Pennsylvania, and J. Alvin Stout, III, and Catherine L. Votaw, Assistant United States Attorneys, respectfully request entry of an Order of Forfeiture, and in support of this motion, the United States represents as follows:

1. Defendant pled guilty to violating 21 U.S.C. §§ 331(a), 333(a)(1) and 352(f)(1) and agreed to forfeiture. At sentencing, the Court imposed a Forfeiture Money Judgment in the amount of \$10,000,000.00 in favor of the United States and against defendant as a result of defendant’s conviction. A money judgment amount was imposed because the forfeitable property, that is, quantities of misbranded Actiq, Gabitril and Provigil, had been dissipated and were unavailable for forfeiture.
2. The Forfeiture Money Judgment became final as to defendant at sentencing.
3. On October 24, 2008, defendant paid to the United States the sum of \$10,000,000.00 in satisfaction of the money judgment.

For the reasons stated above, the government requests that this Court enter the attached Order of Forfeiture.

Respectfully submitted,

LAURIE MAGID
Acting United States Attorney

/s/Alvin Stout
J. ALVIN STOUT, III
Assistant United States Attorney
Chief, Asset Forfeiture

/s/ Catherine Votaw
CATHERINE L. VOTAW
Assistant United States Attorney
Chief, Health Care Fraud

Dated: November 10, 2008

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	
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v.	:	CRIMINAL NO. 08-598
	:	
CEPHALON, INC.	:	

ORDER OF FORFEITURE

WHEREAS, at sentencing, the Court imposed a forfeiture money judgment in the amount of \$10,000,000.00 in favor of the United States and against defendant as a result of defendant's conviction for violating 21 U.S.C. §§ 331(a), 333(a)(1) and 352(f)(1) . The money judgment amount was imposed because the forfeitable property, that is, quantities of misbranded Actiq, Gabitril and Provigil, had been dissipated and were unavailable for forfeiture.

AND WHEREAS, the Court found based on defendant's plea agreement that defendant had an interest in the property subject to forfeiture.

AND WHEREAS, the forfeiture money judgment was final as to defendant at sentencing.

AND WHEREAS, on October 24, 2008, defendant paid to the United States the sum of \$10,000,000.00.

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The government's motion to forfeit funds paid to the government by defendant is GRANTED.

2. All right, title and interest of defendant in \$10,000,000.00 paid to the United States by defendant is forfeited to the United States.

3. Defendant's forfeiture money judgment is satisfied.

4. The Clerk of the United States District Court for the Eastern District of Pennsylvania shall deliver a copy of this Order to the United States Marshal Service and to counsel for the parties.

BY THE COURT:

HON. HARVEY BARTLE, III
United States District Judge

CERTIFICATE OF SERVICE

On this date, I served a true and correct copy of the foregoing motion on counsel for the defendant by electronic filing and United States mail, first class, postage prepaid, addressed as follows:

Eric W. Sitarchuk, Esquire
MORGAN LEWIS & BOCKIUS
1701 Market Street
Philadelphia, PA 19102

/s/ Cathy Votaw
CATHERINE L. VOTAW
Assistant United States Attorney
Chief, Health Care Fraud

Dated: November 10, 2008